

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	05-00384-01-CR-W-HFS
FRANCISCO MAGANA-RODRIGUEZ,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on April 13, 2006. Defendant Francisco Magana-Rodriguez appeared in person and with retained counsel Brian Greer. The United States of America appeared by Assistant United States Attorney Catherine Connelly.

I. BACKGROUND

On October 20, 2005, an indictment was returned charging defendant with one count of conspiracy to distribute cocaine, in violation of 21 U.S.C. § 846; one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A); and one count of criminal forfeiture, pursuant to 21 U.S.C. § 853.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Ms. Connelly announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Luis Ortiz, Kansas City, Missouri, Police Department.

Mr. Greer announced that he will be the trial counsel for defendant Francisco Magana-Rodriguez.

III. OUTSTANDING MOTIONS

There are no pending motions in this case.

IV. TRIAL WITNESSES

Ms. Connelly announced that the government intends to call 6 witnesses without stipulations or 5 witnesses with stipulations during the trial.

Mr. Greer announced that defendant Francisco Magana-Rodriguez intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Ms. Connelly announced that the government will offer approximately 18 exhibits in evidence during the trial.

Mr. Greer announced that defendant Francisco Magana-Rodriguez will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Greer announced that defendant Francisco Magana-Rodriguez will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Greer stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to chain of custody.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed January 12, 2006, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by April 12, 2006;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, April 19, 2006;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, April 19, 2006. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, 11.0, or 12.0.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on April 24, 2006. **A Spanish-speaking interpreter is required.**

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
April 13, 2006

cc: The Honorable Howard Sachs
Ms. Catherine Connelly
Mr. Brian Greer
Mr. Jeff Burkholder